

Nebraska Sign Language Interpreter Review Board Meeting Minutes

March 23, 2007

1:00 p.m. - 3:00 p.m.

4600 Valley Road

Conference Room 4A

I. Call to Order

The meeting of the Nebraska Interpreter Review Board was called to order at 1:03 p.m. at the NCDHH office in Lincoln, NE. Board Members present: Ms. Tanya Wendel-TW, Ms. Tami Richardson-Nelson-TN, Mr. David Montgomery-DM, Ms. Maureen Larsen-ML, and Mr. Bob Deaton-BD.

Interpreters: Ms. Jamy Elker and Ms. Frances Beaurivage

Absent: Ms. Kelly Brakenhoff-KB, Mr. Thomas Zimmer-TZ, and Mr. James Bonesteel-JB

Public attendees: Mr. Art Nelson

Technical Advisor: Ms. Judy Gouldsmith-JG, Staff Assistant: Ms. Traci Cooney

Everyone introduced themselves.

II. Approval of Agenda

Ms. Tanya Wendel requested to add, under section V. Old Business, "Waiver of Public Notice." This request involved changing the order of the agenda. "Draft Regulations" was moved to item B and "Waiver of Public Notice" became item A. Motion to approve agenda as amended.

[TW/ML/Motion Passed]

III. Approval of Minutes

A. Minutes of October 6, 2006

The minutes of the October 6, 2006 Nebraska Interpreter Review Board meeting were approved as revised by JG.

IV. Public Comments

There were no public comments.

V. Old Business

A. Waiver of Public Hearing

Ms. Wendel explained that she had submitted a request to waive another public hearing to the Governor's office for approval. She handed out a copy of the approval to each board member and explained that the Governor had approved to waive the required 30 day notice of a public hearing. This was granted February 12, 2007. Ms. Wendel provided the Governor's office with information regarding the cost of holding public hearings and reported there were no substantial changes in the draft regulations from the previous public hearing.

B. Draft Regulations

1. Ms. Wendel, Ms. Gouldsmith, and Mr. Montgomery met with Assistant Attorney General Mr. Charles Lowe in January. At that meeting, Mr. Lowe suggested several changes to the draft regulations. As a result, some sections were rearranged and new sections were added.
2. Changes to the November 27, 2006 Draft Regulations:
 - a. In 002 DEFINITIONS, the definitions for Conditional Legal Interpreting Permit (CLIP) and Provisional Specialist Certificate: Legal (Prov. SC:L) were removed. These certificates were removed upon request of the NCDHH full Commission.
 - b. The forms and all references in the draft stating which form to use have been removed. This is to allow the Commission the flexibility to make changes to the forms as needed. Every place in the document where an application is mentioned, the language referring to a specific form was removed and language added that states, "A completed application must be submitted."
 - c. 003.02A3 – all certifications were removed except the SC:L and CLIP-R for the Specialty License in Legal Interpreting. The words "interpreter or transliterator" were also removed after the word "legal" in the first sentence.
 - d. 003.03A – language was removed that referred to a Provisional Specialty License in Legal Interpreting.
 - e. The word "appeal" was changed to the word "challenge" throughout the draft upon recommendation of Mr. Charles Lowe except when a hearing has been held. A person can appeal a decision only if a hearing has been held first.
 - f. All references to a Specialty License in Legal Interpreting were removed from section 004.03 Provisional License.

- g. 008.04 Grounds for Disciplinary Action was removed from section 008 and made a separate section (section 010) in the 3/16/07 draft.
 - h. 009 LICENSE REINSTATEMENT is now Section 012 in the 3/16/07 draft.
 - i. 011.04 Sanctions was removed from section 011 and made a separate section in the 3/16/07 draft (section 011.)
 - j. 011.06 Confidentiality was removed from section 011 and appears as 009.04 Confidentiality under 009 INVESTIGATING COMPLAINTS AND DISCIPLINARY ACTIONS in the 3/16/07 draft.
3. Comments about the March 16, 2007 Draft Regulations:
- a. The date was updated on the cover page and the Commission's web site was added to the bottom of the page.
 - b. Sections 009-011 were rearranged and assigned new numbers and two new sections were added.
 - c. The Table of Contents (both alphabetical and numerical) and the Index were updated.
 - d. 008 LICENSE EXPIRATION AND DISCIPLINARY ACTION AGAINST A LICENSE was changed to 010 DISCIPLINARY ACTION AGAINST AN INTERPRETER.
 - e. The definitions for "Formal Complaint", "Hearing Officer" and "Informal Complaint" have been added to 002 DEFINITIONS.
 - f. The acronym QAST was added to 003.03A2 to match the rest of the regulations which includes acronyms for other interpreting tests.
 - g. Throughout the document, applicants who disagree with a Commission decision are referred to section 013, which covers challenges and appeal rights.
 - h. 006.01B – the language "or an equivalent document approved by the Commission." was stricken. The board discussed whether or not to leave this language in the document. The board agreed to strike the language and leave the wording "Submit to the Commission documentation of continuing education hours on a form approved by the Nebraska Commission for the Deaf and Hard of Hearing."
 - i. 006.02A1 - the acronym NCDHH was added after the name of the commission because all of the other organizations in the regulations have their acronyms stated.
 - j. 006.04C and 006.05D were added to the regulations so people would know that if they are denied approval of a continuing education activity or they have had their approval suspended or revoked, or they are denied a waiver of the continuing education requirements, they can challenge the Commission's action.
 - k. 006.05A2a-c - the reference to section C of Form E2 was removed and the document now reads that an individual must mark the appropriate response on the application.

- l. Throughout the regulations, the section number that refers to license reinstatement was updated.
 - m. 009 INVESTIGATING COMPLAINTS AND DISCIPLINARY ACTIONS is now section 009 instead of section 011. The language is the same until you get to 009.03B. New language was added to this section upon the recommendation of Mr. Charles Lowe. Ms. Wendel stated that the Assistant Attorney General wants more of the process spelled out in the regulations.
 - n. 010 DISCIPLINARY ACTION AGAINST AN INTERPRETER was section 008 in the previous draft and it read "DISCIPLINARY ACTION AGAINST A LICENSE."
 - o. 010.02B11 is taken from 008.04B through 008.04C4 in the November 27, 2006 draft regulations.
 - p. 011 SANCTIONS used to be part of 011 INVESTIGATING COMPLAINTS AND DISCIPLINARY ACTIONS in the November 27, 2006 draft regulations.
 - q. 012 LICENSE REINSTATEMENT used to be section 009 in the November 27, 2006 draft regulations.
 - r. 012.02B - the language was made more generic.
 - s. 010 APPEAL RIGHTS AND PROCEDURE - the section number was changed and language was added to this section upon the recommendation of Mr. Charles Lowe. Mr. Montgomery remarked that since this section also deals with challenges, then challenges should be part of the title. The title was changed to 013 CHALLENGES AND APPEAL RIGHTS.
 1. Mr. Montgomery asked who makes the decision to deny an applicant any of the items listed in 013.01 Challenges and inform the applicant of the final decision. Discussion ensued among the members and it was determined that the Interpreter Issues Committee should handle this.
 2. In 013.01A1 and 013.01A2 it states the Executive Director makes the determination in cases of challenges and a letter notifying the individual of the Director's decision will be sent from the Commission. This language was changed to read the Interpreter Issues Committee makes the determination in cases of challenges and a letter notifying the individual of the committee's decision will be sent from the Commission. If an individual wishes to challenge the decision of the Interpreter Issues Committee, he or she must submit a challenge to the full Commission. Discussion ensued regarding different steps that could be taken.
 - t. The copyright date was added to the last page of Attachment A, the NAD-RID Code of Professional Conduct.
4. Discussion ensued regarding the posting of the regulations on the Commission website. It was decided that the copy that will be sent to the Attorney General will be posted on the website.

5. The Board discussed whether or not a public hearing is needed. It was decided that it does need to be held. The hearing is scheduled for April 13, 2007 in the Lincoln Office Building.

VI. New Business

A. Next Steps

No new business to discuss.

Meeting adjourned at 2:16 p.m.
[ML/DM/Adjourn]